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7 Attorneys for Complainant
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9 **BEFORE THE**
10 **BOARD OF PSYCHOLOGY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of Accusation and The Petition to
Compel Psychological Examination Against:

13 ROSALIE C. JESSE, Ph.D.
14 11155 Toyon Hills Drive
Lakeside, California 92040

15 Psychologist License No. PSY 6207
16 Respondent.

Case Nos. W-235; Y-7

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17
18 **FINDINGS OF FACT**

19 1. On or about July 19, 2002, Complainant Thomas S. O'Connor, in his
20 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
21 Affairs, filed an Accusation (Case No. W-235) and a Petition to Compel Psychological
22 Examination (Case No. Y-7) against Respondent Rosalie Jesse, Ph.D. (Respondent) before the
23 Board of Psychology.

24 2. On or about January 7, 1980, the Board of Psychology (Board) issued
25 Psychologist License No. PSY 6207 to Respondent. The license was in full force and effect at
26 all times herein, but expired on July 31, 2002, and has not been renewed.

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1 3. On or about July 19, 2002, Mary Laackmann, an employee of the
2 Complainant Agency, served by First Class Mail a copy of both the Accusation and the Petition
3 to Compel Psychological Examination, as well as the Statement to Respondent, Notice of
4 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7
5 to Respondent's Department of Motor Vehicle address of record which was and is 11155 Toyon
6 Hills Drive, Lakeside, California 92040. On or about August 21, 2002, Ms. Laackmann re-
7 served respondent via certified mail to her address of records and her last known business
8 address of record with the Board of 535 Broadway, Suite 205, El Cajon, California 92021, a copy
9 of the Order Compelling Psychological Examination which was required to be taken within 30
10 days from that date. A copy of the Accusation and the Petition to Compel Psychological
11 Examination, the related documents, and Declaration of Service are attached as Exhibit A, and
12 are incorporated herein by reference.

13 4. Service of the and Petition to Compel Psychological Examination was
14 effective as a matter of law under the provisions of Government Code section 11505, subdivision
15 (c).

16 5. On or about July 22, 2002, the documents mailed July 19, 2002, were
17 returned by the U.S. Postal Service marked "Addressee Unknown." The documents which were
18 mailed on August 21, 2002, were returned as undeliverable as addressed on or about August 26,
19 2002. A copy of the postal returned documents are attached hereto as Exhibit B, and are
20 incorporated herein by reference.

21 6. Government Code section 11506 states, in pertinent part:

22 "(c) The respondent shall be entitled to a hearing on the merits if
23 the respondent files a notice of defense, and the notice shall be deemed a specific
24 denial of all parts of the accusation not expressly admitted. Failure to file a notice
25 of defense shall constitute a waiver of respondent's right to a hearing, but the
26 agency in its discretion may nevertheless grant a hearing."

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1 7. Respondent failed to file a Notice of Defense within 15 days after service
2 upon her of the Accusation and the Petition to Compel Psychological Examination. Respondent
3 further failed to take the Psychological Examination within 30 days following the service of the
4 Order Compelling the Examination. She has, therefore, her right to a hearing on the merits of the
5 Accusation and the Petition to Compel Psychological Examination.

6 8. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to
8 appear at the hearing, the agency may take action based upon the respondent's
9 express admissions or upon other evidence and affidavits may be used as evidence
10 without any notice to respondent."

11 9. Pursuant to its authority under Government Code section 11520, the Board
12 finds Respondent is in default. The Board will take action without further hearing and, based on
13 Respondent's express admissions by way of default and the evidence before it, contained in
14 Exhibits A and B finds that the allegations in the Accusation and the Petition to Compel
15 Psychological Examination, Case Nos. W-235 and Y-7 are true.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Rosalie Jesse
18 has subjected her Psychologist License No. PSY 6207 to discipline.

19 2. A copy of the Accusation and the Petition to Compel Psychological
20 Examination and the related documents and Declaration of Service are attached.

21 3. The agency has jurisdiction to adjudicate this case by default.

22 4. The Board of Psychology is authorized to revoke Respondent's
23 Psychologist License No. PSY 6207 based upon the following violations alleged in the
24 Accusation and the Petition to Compel Psychological Examination:

25 a. Violation of professional confidence in violation of section
26 2960 (h).

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1 b. Repeated acts of negligence in violation of section 2960 (r).

2 c. Failure to comply with order compelling psychological
3 examination in violation of sections 820-822.


4 ORDER

5 IT IS SO ORDERED that Psychologist License No. PSY 6207, heretofore issued
6 to Respondent Rosalie Jesse, is revoked.

7 Pursuant to Government Code section 11520, subdivision (c), Respondent may
8 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
9 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
10 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
11 statute.

12 This Decision shall become effective on February 27, 2003.

13 It is so ORDERED January 28, 2003

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16 FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
PAMELA HARMELL, Ph.D., PRESIDENT

17 Attachments:

18 Exhibit A: Accusation and Petition to Compel Psychological Examination (Case Nos. W-
19 235, Y-7, No.1F-2000-116068), Related Documents, and Declaration of Service

20 Exhibit B: Postal Return Documents
21
22
23

24 DOJ docket number:03598160-SD2002AD0367
25 SHZ:pll
26
27
28

Exhibit A

**Accusation and Petition to Compel Psychological
Examination No. 1F-2000-116068,
Related Documents and Declaration of Service**

**BOARD OF PSYCHOLOGY**

1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95825-3200
(916) 263-2699
www.psychboard.ca.gov



July 19, 2002

EXPRESS MAIL

Rosalie C. Jesse, Ph.D.
11155 Toyon Hills Drive
Lakeside, CA 92040

Dear Dr. Jesse:


Enclosed is a Petition For Order To Compel Psychological Examination. The Petition has been filed and will be sent to the Board of Psychology for their action (either grant or deny the petition).

The Petition will be sent to the Board in seven days. You have until July 26, 2002, to respond to the petition by submitting a written statement or evidence in your own behalf to be presented with the petition. If we have not received a response from you by July 26, 2002, we will mail the petition alone to the members of the Board of Psychology.

If your materials are received *after* the given deadline, they will not be submitted to the Board and, therefore, will be returned to you.

If you have any questions regarding this matter, please contact me at (916) 263-2691 or by email at mary_laackmann@dca.ca.gov.

Sincerely,


Mary Laackmann
Enforcement Analyst

Enc.

cc: ✓ Michael P. Sipe, Deputy Attorney General

BILL LOCKYER, Attorney General
of the State of California
MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO July 19 2002
BY M. J. Jackson ANALYST

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2067
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W235

ROSALIE C. JESSE, Ph.D
11155 Toyon Hills Drive
Lakeside, California 92040

ACCUSATION

Psychologist License No. PSY 6207

Respondent.

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

2. On or about January 7, 1980, the Board of Psychology issued Psychologist License No. PSY 6207 to Rosalie C. Jesse, Ph.D (Respondent). The Psychologist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2002, unless renewed.

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3. This Accusation is brought before the Board of Psychology (Board), under
of the following sections of the Business and Professions Code (Code).

4. Section 2960 of the Code states:

"The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(h) Willful, unauthorized communication of information received in professional confidence.

• • •

(r) Repeated acts of negligence."

5. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Violation of Professional Confidence)

3 7. Respondent is subject to disciplinary action under section 2960 (h) in that
4 she violated the confidentiality of client T.P. by calling Dr. M.B. and shared confidential client
5 information. The circumstances are as follows:

6 a. T.P. was initially evaluated by respondent in August 1997
7 at which time T.P. was seeing a psychiatrist, Dr. B. T.P. had a history of
8 antisocial behavior, verbally and sexually abusive boyfriends, and drug and
9 alcohol dependency.

10 b. Respondent began seeing T.P. twice monthly in
11 psychotherapy supplemented by Parents in Recovery. Respondent also stated that
12 T.P. agreed to stay out of hospitals and residential care centers and not be
13 destructive to herself or others.

14 c. During the course of her treatment with respondent, T.P.
15 engaged in the violent destruction of property against her boyfriend, but treatment
16 was not discontinued.

17 d. Although respondent felt that T.P. had made progress in her
18 first treatment course in 1997-1998, T.P. dropped out of treatment after seven
19 months "without explanation."

20 e. In January 1999, T.P. reappeared and asked to re-initiate
21 therapy. During the next several months T.P. was actively suicidal, was
22 stockpiling medication, and had frequent blow-ups with others. Respondent
23 diagnosed her as a Borderline Personality with antisocial, narcissistic, histrionic
24 and passive-dependent features. She also found that T.P. has signs of
25 psychopathic and/or psychotic transference.

26 f. In February 2000, respondent reported referring T.P.
27 several times to State Rehabilitation for assessment and support for career
28 training. In March 2000 respondent received a request for medical records from

1 Vocational Rehabilitation, but felt it was invalid for several reasons, one of which
2 was T.P.'s having said she did not know what she was signing at the time she
3 signed the informed consent.

4 g. Respondent received a second request for records on or
5 about April 6, 2000. Respondent apparently completed the report on or about
6 April 15, 2000, but noted that T.P. wished the report withheld until T.P.'s
7 paranoia was under control.

8 h. In May 2000, T.P. told respondent she was stressing out
9 about having to go to rehab. Respondent, in turn, told T.P. she did not have to do
10 anything until she was ready.

11 i. In June 2000, T.P. told respondent she was going to the Isis
12 Crisis Center because she was having too much trouble coping. T.P. also had an
13 incident with her boyfriend during which she damaged his car and he threatened
14 to involve the law. T.P. then asked Dr. M.B. for an acute admission to Isis.
15 Respondent spoke with T.P. and reminded her of their contract, and said that if
16 there is a need for more intensive therapy T.P. may have to "move on."

17 j. On or about June 23, 2000, respondent spoke by telephone
18 with T.P. at the Isis Center. While respondent said she remained calm when T.P.
19 said she may see somebody else upon discharge from the Center, T.P. reported
20 that respondent was crying, volatile, abusive, and disturbed. Later that same
21 night, respondent had a disturbing telephone call with someone named Kathryn at
22 the Center, who refused to allow T.P. to continue speaking with respondent.
23 Thereafter, respondent put in a call to Dr. B., and two calls to T.P. asking
24 permission to speak with Dr. B.

25 k. In November 2000, respondent spoke with Dr. B. without
26 getting authorization from T.P. Dr. B. was not aware that T.P. had terminated
27 with respondent.
28

1 8. Respondent is subject to disciplinary action under section 2960 (h) in that
2 she violated the confidentiality of client T.P. by calling Dr. B. and shared confidential client
3 information.

4 a. Paragraph 7 (a) through (k) is incorporated by reference as
5 if fully set forth herein.

6 b. At the time respondent called Dr. B. she knew that T.P. had
7 terminated her relationship with respondent. Despite this, respondent shared
8 confidential information with Dr. B.

9 c. After speaking with Dr. B. respondent then called T.P. and
10 told her that Dr. B. had contradicted T.P.'s version of various conversations,
11 thereby potentially undermining the relationship between Dr. B. and T.P.

12 SECOND CAUSE FOR DISCIPLINE

13 (Repeated Acts of Negligence)

14 9. Respondent is subject to disciplinary action under section 2960 (r), in that
15 she committed repeated acts of negligence during her care and treatment of T.P. as follows:

16 a. Paragraph 7 (a) through (k) is incorporated by reference as
17 if fully set forth herein.

18 b. At the time respondent called Dr. B. she knew that T.P. had
19 terminated her relationship with respondent. Despite this, respondent shared
20 confidential information with Dr. B.

21 c. After speaking with Dr. B. respondent then called T.P. and
22 told her that Dr. B. had contradicted T.P.'s version of various conversations,
23 thereby potentially undermining the relationship between Dr. B. and T.P.

24 d. The report requested by Vocational Rehabilitation took
25 respondent between 1½ - 3 months to complete rather than a few days.

26 e. Respondent inappropriately charged T.P. a fee for the
27 completion of a request for records.

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- 1 f. Respondent intimidated, bullied, and threatened T.P.
2 g. Respondent failed to honor T.P.'s wishes for no contact
3 with respondent.

4 THIRD CAUSE FOR DISCIPLINE

5 (Request for Psychiatric Examination)

6 10. Respondent is subject to disciplinary action under sections 820-822 of the
7 Code in that during the course of her care and treatment of T.P. she exhibited possible mental
8 illness impairing her ability to practice her profession safely. The circumstances are as follows:

- 9 a. Paragraph 7 (a) through (k) is incorporated by reference as
10 if fully set forth herein.
11 b. Respondent exhibited impulsive behavior driven more by
12 her own motives than patient need.
13 c. Respondent escalated unprofessional interactions with
14 others.
15 d. Respondent's repeated telephone calls and letters to T.P.
16 exhibited counter-transference concerns likely to impede T.P.'s progress with
17 another therapist.
18 e. Respondent exhibited an inability to control her emotions
19 as evidenced by the numerous telephone calls to United Behavioral Health and
20 multiple calls to T.P. while she was in the crisis center.

21 PRAYER

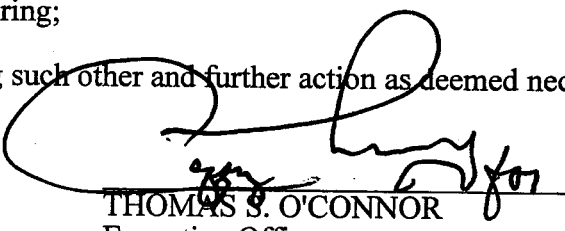
22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Psychology issue a decision:

- 24 1. Revoking or suspending Psychologist License No. PSY 6207, issued to
25 Rosalie C. Jesse, Ph.D;
26 2. Ordering Respondent Rosalie C. Jesse, Ph.D., to undergo, at her expense,
27 a psychiatric examination pursuant to section 820 of the Code to determine the existence of any
28 mental illness which may impair respondent's ability to practice psychology safely;

1 3. Ordering Rosalie C. Jesse, Ph.D to pay the Board of Psychology the
2 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
3 the costs of probation monitoring;

4 4. Taking such other and further action as deemed necessary and proper.

5 DATE: July 19, 2002


THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

10 MPS:mjc

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, California 92101

5 P.O. Box 85266
San Diego, California 92186-5266
6 Telephone: (619) 645-2067
Facsimile: (619) 645-2061

7 Attorneys for Complainant
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10 **BEFORE THE**
BOARD OF PSYCHOLOGY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA .

12 In the Matter of the Accusation Against:

Case No. W235

13 ROSALIE C. JESSE, Ph.D
14 11155 Toyon Hills Drive
Lakeside, California 92040

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

15 Psychologist License No. PSY 6207
16

Respondent.
17

18 **TO RESPONDENT:**
19

20 Enclosed is a copy of the Accusation that has been filed with the Board of
21 Psychology of the Department of Consumer Affairs ("Board"), and which is hereby served on
22 you.

23 Unless a written request for a hearing signed by you or on your behalf is delivered
24 or mailed to the Board, represented by Deputy Attorney General Michael P. Sipe, within fifteen
25 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
26 be deemed to have waived your right to a hearing in this matter and the Board may proceed upon
27 the Accusation without a hearing and may take action thereon as provided by law.

28 The request for hearing may be made by delivering or mailing one of the enclosed

1 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided
2 in section 11506 of the Government Code, to:

3 **Michael P. Sipe**
4 **Deputy Attorney General**
5 **110 West "A" Street, Suite 1100**
6 **San Diego, California 92101**

7 **P.O. Box 85266**
8 **San Diego, California 92186-5266.**

9 You may, but need not, be represented by counsel at any or all stages of these
10 proceedings.

11 The enclosed Notice of Defense, if signed and filed with the Board, shall be
12 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
13 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
14 section 11506 of the Government Code within fifteen (15) days after service of the Accusation
15 on you.

16 If you file any Notice of Defense within the time permitted, a hearing will be held
17 on the charges made in the Accusation.

18 The hearing may be postponed for good cause. If you have good cause, you are
19 obliged to notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los
20 Angeles, California 90013, within ten (10) working days after you discover the good cause.
21 Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a
22 postponement.

23 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
24 enclosed.

25 If you desire the names and addresses of witnesses or an opportunity to inspect
26 and copy the items mentioned in section 11507.6 of the Government Code in the possession,
27 custody or control of the Board you may send a Request for Discovery to the above designated
28 Deputy Attorney General.

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Any stipulation must be consistent with the Board's established disciplinary guidelines; however, all matters in mitigation or extenuation will be considered. A copy of the Board's Disciplinary Guidelines will be provided to you on your written request to the state agency bringing this action.

* * * * *

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7

PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after such service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it claimed that the act or omission of the respondent as to such person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omission or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that such reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

(g) In any proceeding under subdivision (i) or (j) of Section 12940, or Section 19572 or 19702, alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, evidence of specific instances of a complainant's sexual conduct with individuals other than the alleged perpetrator is not discoverable unless it is to be offered at a hearing to attack the credibility of the complainant as provided for under subdivision (j) of Section 11513. This subdivision is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed under this section.

SECTION 11507.7. Petition to compel discovery; Order; Sanctions

(a) Any party claiming his request for discovery pursuant to Section 11507.6 has not been complied with may serve and file a verified petition to compel discovery in the superior court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with Section 11507.6. The petition shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this section, and the ground or grounds of respondent's refusal so far as known to petitioner.

(b) The petition shall be served upon respondent party and filed within 15 days after the respondent party first evidenced his failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. However, no petition may be filed with 15 days of the date set for commencement of the administrative hearing except upon order of the court after motion and notice and for good cause shown. In acting upon such motion, the court shall consider the necessity and reasons for such discovery, the diligence or lack of diligence of the moving party, whether the granting of the motion will delay the commencement of the administrative hearing on the date set, and the possible prejudice of such action to any party.

(c) If from a reading of the petition the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and his attorney of record in the administrative proceeding by personal delivery or certified mail and shall be returnable no earlier than 10 days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.

(d) The court may in its discretion order the administrative proceeding stayed during the pendency of the proceeding, and if necessary for a reasonable time thereafter to afford the parties time to comply with the court order.

(e) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.

(f) The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.

(g) Unless otherwise stipulated by the parties, the court shall no later than 30 days after the filing of the petition file its order denying or granting the petition, provided, however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until 10 days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

(h) The order of the superior court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court's order serve and file in the district court of appeal for the district in which the superior court is located, a petition for a writ of mandamus to compel the superior court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.

(i) Where the superior court finds that a party or his attorney, without substantial justification, failed or refused to comply with Section 11507.6, or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this section, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the superior court to compel obedience to its orders by contempt proceedings.

BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Rosalie C. Jesse, Ph.D.
License No. PSY 6207

Respondent.

)
)
) No. W235
)
) NOTICE OF DEFENSE
) (Gov. Code Sections 11505 & 11506)
)

I, the undersigned, the respondent named in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code sections 11507.5, 11507.6 and 11507.7, and two copies of a Notice of Defense.

I hereby request a hearing in said proceeding to permit me to present my defense to the charges contained in said Accusation.

DATED: _____

Respondent's Signature _____

Respondent's Mailing Address _____

Telephone No. () _____

Check off appropriate statement

_____ I am represented by counsel whose name, address, and telephone number are shown below.

_____ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address, and telephone number will be filed with you so that counsel will be on record to receive legal notices, pleadings, and other papers.

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, California 92101
5 P.O. Box 85266
San Diego, California 92186-5266
6 Telephone: (619) 645-2067
Facsimile: (619) 645-2061
7
8 Attorneys for Complainant
9

10 **BEFORE THE**
11 **BOARD OF PSYCHOLOGY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. W235

14 ROSALIE C. JESSE, Ph.D
11155 Toyon Hills Drive
15 Lakeside, California 92040

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

16 Psychologist License No. PSY 6207

17 Respondent.
18

19 **TO RESPONDENT:**

20 Under section 11507.6 of the Government Code of the State of California, parties
21 to an administrative hearing, including the Complainant, are entitled to certain information
22 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
23 Government Code concerning such rights is included among the papers served.
24

25 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU**
26 **ARE HEREBY REQUESTED TO:**

- 27 1. Provide the names and addresses of witnesses to the extent known to the
28 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

1 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
2 the following in the possession or custody or under control of the Respondent:

3 a. A statement of a person, other than the Respondent, named in the initial
4 administrative pleading, or in any additional pleading, when it is claimed that the act or
5 omission of the Respondent as to this person is the basis for the administrative
6 proceeding;

7 b. A statement pertaining to the subject matter of the proceeding made by
8 any party to another party or persons;

9 c. Statements of witnesses then proposed to be called by the Respondent and
10 of other persons having personal knowledge of the acts, omissions or events which are
11 the basis for the proceeding, not included in (a) or (b) above;

12 d. All writings, including but not limited to reports of mental, physical and
13 blood examinations and things which the Respondent now proposes to offer in evidence;

14 e. Any other writing or thing which is relevant and which would be
15 admissible in evidence, including but not limited to, any patient or hospital records
16 pertaining to the persons named in the pleading;

17 f. Investigative reports made by or on behalf of the Respondent pertaining to
18 the subject matter of the proceeding, to the extent that these reports (1) contain the names
19 and addresses of witnesses or of persons having personal knowledge of the acts,
20 omissions or events which are the basis for the proceeding, or (2) reflect matters
21 perceived by the investigator in the course of his or her investigation, or (3) contain or
22 include by attachment any statement or writing described in (a) to (e), inclusive, or
23 summary thereof.

24 For the purpose of this Request for Discovery, "statements" include written
25 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
26 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
27 and written reports or summaries of these oral statements.

28 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for

1 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
2 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
3 work product.

4 Your response to this Request for Discovery should be directed to the undersigned
5 attorney for the Complainant at the address on the first page of this Request **within 30 days after**
6 **service of the Accusation.**

7 Failure without substantial justification to comply with this Request for Discovery
8 may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30
9 of the Government Code.

10 DATED: July 9, 2002

11
12 BILL LOCKYER, Attorney General
of the State of California

13
14 
MICHAEL P. SIPE
Deputy Attorney General

15
16 Attorneys for Complainant

17 I:\all\Sipe\SIPE\Jesse, Rosalie\Acc.pac.wpd
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DECLARATION OF SERVICE BY EXPRESS MAIL

In the Matter of the Accusation
Filed Against:

Rosalie C. Jesse, Ph.D.

No. : W235

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7; NOTICE OF DEFENSE (2 COPIES); REQUEST FOR DISCOVERY AND DISCIPLINARY GUIDELINES

by express mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

TRACKING NO.

Rosalie C. Jesse, Ph.D.
11155 Toyon Hills Drive
Lakeside, CA 92040

1Z F73 974 21 1000 005 3

Rosalie C. Jesse, Ph.D.
535 Broadway, Ste. 205
El Cajon, CA 92021

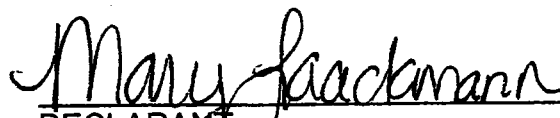
1Z F73 974 21 1000 006 2

Michael P. Sipe
Deputy Attorney General
110 West A St., Ste. 1100
San Diego, CA 85266

1Z F73 974 21 1000 007 1

Each said envelope was then on, July 19, 2002, sealed and deposited with United Parcel Service at Sacramento, California, the county in which I am employed, as express mail, with the postage thereon fully prepaid.

Executed on, July 19, 2002, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst

1 BILL LOCKYER, Attorney General
of the State of California
2 STEVEN H. ZEIGEN, State Bar No.60225
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101
P.O. Box 85266
5 San Diego, CA 92186-5266
Telephone: (619) 645-2074
6 Facsimile: (619) 645-2061

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. Y-7

12 ROSALIE C. JESSE, Ph.D
11155 Toyon Hills Drive
13 Lakeside, California 92040

14 Psychologist License No. PSY 6207

15 Respondent.

PETITION FOR ORDER
TO COMPEL PSYCHOLOGICAL
EXAMINATION
(B.& P. CODE § 820)

16
17 Comes now the petitioner, Thomas S. O'Connor who alleges as follows:

18 1. He is the Executive Officer of the Board of Psychology, Department of
19 Consumer Affairs, State of California and makes this petition in his official capacity.
20 2. At all times mentioned herein, Rosalie C. Jesse, Ph.D. (hereinafter
21 "respondent") held License No. PSY 6207 authorizing her to practice psychology in the State of
22 California.

23 3. Section 820 of the Business and Professions code provides in pertinent part:

24 "Whenever it appears that any person holding a license,
25 certificate, or permit under this division (Div. 2, Bus.& Prof.
26 Code) . . . may be unable to practice his or her profession safely
because the licentiate's ability to practice is impaired due to mental
illness, or physical illness affecting competency, the licensing
agency may order the licentiate to be examined by one or more

27 ///

28 ///

1 physicians and surgeons or psychologists designated by the
2 agency. The report of the examiners shall be made available to the
3 licensee and may be received as direct evidence in a proceeding
4 conducted pursuant to Section 822."

4 4. Petitioner has reasonable cause to believe respondent's ability to practice
5 medicine may be impaired due to mental illness affecting her competency. The factual basis is
6 as follows:

7 A. An investigation of respondent was initiated following the
8 receipt of complaint by former patient T.P. The complaint involved respondent's
9 behavior toward the patient, as well as her charging the patient for the preparation
10 of a State Department of Rehabilitation report which was not timely filed. During
11 the course of the investigation, respondent was uncooperative, failing to respond
12 to telephone calls, letters or personal visits to her home and office location.
13 Respondent apparently vacated her prior office without leaving a forwarding
14 address, and moved from her residence, as mail was returned from both locations
15 as "moved, left no address, unable to forward" (the office), and "undeliverable as
16 addressed" (the house).

17 B. Prior to her leaving her office and, apparently, her
18 residence, Medical Board investigators had visited the home property on two
19 occasions, finding an unkempt residence strewn with debris inside and out.

20 C. Expert witness Constance Dalenberg, Ph.D., reviewed the
21 complaint, Exhibit "A" hereto, levied against respondent by former patient T.P.
22 In addition to finding respondent committed repeated acts of negligence and
23 violated client confidentiality during the time she was treating T.P., Dr.
24 Dalenberg also concluded a psychological evaluation would be beneficial by
25 addressing the following:

26 ///

27 ///

28 ///

1 i. Respondent's unprofessional behavior which appears
2 impulsive and driven by motives other than patient need.

3 ii. Respondent's escalation of unprofessional interactions with
4 others.

5 iii. Respondent's permitting counter-transference worry or
6 concern to impede her recognition of T.P.'s likely reaction to respondent

7 iv. Respondent's inability to contain her emotional responses
8 as evidenced by her numerous calls to T.P. at the crisis center, and her multiple
9 calls to Universal Behavioral Health.

10 PRAYER

11 WHEREFORE, petitioner requests the Board of Psychology issue an order
12 pursuant to Business and Professions Code section 820 requiring Rosalie C. Jesse, Ph.D. to be
13 examined by a board approved psychologist at a time convenient to respondent and the
14 examining psychologist(s), but not more than 30 days from service of this order, to determine
15 whether Dr. Jesse is suffering from a mental illness to the extent her condition affects her ability
16 to practice psychology safely.

17
18 DATED: July 19, 2002

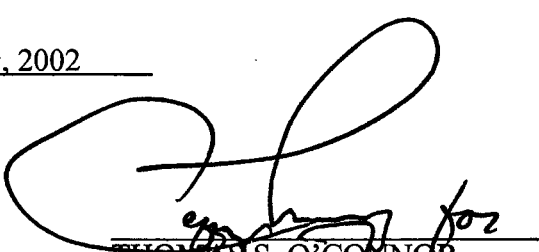
19
20
21 
22 THOMAS S. O'CONNOR
23 Executive Officer
24 Psychology Board of California
25 Department of Consumer Affairs
26 Complainant
27
28

EXHIBIT "A"

Constance J. Dalenberg, Ph.D.

Associate Professor, CSPP-SD
cdalenberg@alliant.edu
PSY11952

Director, Trauma Research Institute
3252 Holiday Ct. Suite 209
La Jolla, CA 92037

Phone: (619) 286-1659

CONFIDENTIAL

January 7, 2002

Babette Luchaco, Investigator
4995 Murphy Canyon Rd. Suite 203
San Diego, CA 92123

RE: Rosalie Jesse, PhD
Case: 1F-2000-116068

Ms. Luchaco:

I received your letter dated Dec. 14, 2001, and have reviewed the materials listed below.

1. Consumer complaint filed with Board of Psychology: 11/28/00
2. Request for records and authorization form submitted by Dept of Rehabilitation
3. Patient records and documentation submitted by Dr. Jesse
4. Return receipt from Post Office for certified letter sent June 18, 2001 to Dr. Jesse
5. Authorization for Release of Medical Records signed by [REDACTED]
6. Letters to Dr. Jesse from the Board dated January 24, 2001, Sept. 6, 2001 and September 12, 2001
7. Dr. Jesse's response to the January 24, 2001 letter from the Board, dated February 18, 2001
8. Subpoena served on October 4, 2001
9. Materials (20 pages) submitted by Gregory Knoll from Consumer Center of Health Education and Advocacy
10. Response from Dr. Jesse re Knoll's letter, dated 7 December, 2000 and labeled as a draft.
11. Two page letter from Dr. Jesse to Board received on Nov. 2, 2001
12. Investigation report by Luchaco documenting actions taken to date
13. Tape of interview with Dr. Jesse conducted on Oct. 19, 2001
14. Photographs of Dr. Jesse's residence

The Board of Psychology letter of January 24, 2001 sets forth the following issues:

1. Dr. Jesse failed to complete time-sensitive paperwork for [REDACTED]
2. Dr. Jesse inappropriately charged for her services
3. Dr. Jesse failed to respond to a valid refund request
4. Dr. Jesse attempted to have [REDACTED] attend a session in order to collect the refund before sending it
5. Dr. Jesse bullied, threatened and intimidated [REDACTED] in the matter of the refund, including references to her attorney

A review of the case also raises the additional issues:

1. Dr. Jesse's respect for the client's right to terminate
2. Dr. Jesse's respect of client confidentiality

Case synopsis:

[REDACTED] was initially evaluated by Dr. Jesse in August of 1997. At the time, she was seeing a psychiatrist, Dr. Mohammed Bari (located in Chula Vista) for medical management of her Bipolar Disorder. She had been in treatment in Dr. Bari since an acute psychiatric hospitalization in 1994. [REDACTED] also reported a history of drug and alcohol dependence, although she had been abstinent for several years. [REDACTED] reported history included antisocial behavior, verbally and sexually abusive boyfriends, and drug experience with amphetamines, LSD, mushrooms and occasional inhalants. Immediately before her referral to Dr. Jesse, she had been treated at the emergency room of Scripps Hospital for "severe anxiety." Dr. Jesse noted (at intake in 1997) that [REDACTED] is a poor historian with memory deficits. Further, Dr. Jesse states "the referring social worker indicated that [REDACTED] didn't require the acute hospital admission which she was seeking and suggested the client's possible over-utilization of the hospital ER for secondary gain."

Dr. Jesse began seeing [REDACTED] in twice a month psychotherapy supplemented by Parents in Recovery group (which she joined a few months later). Dr. Jesse's records include a hand-written page of notes, dated 7-10-97, in which she documents that she does not follow patients in hospitals or residential centers, and would see [REDACTED] only if she is able to remain on outpatient treatment status. Jesse also states in the informed consent that the patient was informed that if she behaves in a way that was destructive to self or others, she would be referred. The notes end "Should [REDACTED] not be able to abide by this treatment contract, she will notify Dr. Jesse immediately who will then make appropriate referral."

During the first course of treatment, [REDACTED] reportedly engaged in violent destruction of property against her boyfriend, but treatment was not discontinued.

The notes do not indicate why this violation of the contract did not lead to a referral, but Dr. Jesse states in her report to Rehab that the patient had no remorse, felt her boyfriend deserved it, but did not intend to hurt him personally.

Dr. Jesse felt that [REDACTED] made progress in her first treatment course in 97-98. However, the client became overstressed by her acceptance of the responsibilities of a full time job, weekend work, and night classes. In Dr. Jesse's opinion, [REDACTED] became "defiant about accepting my suggestions that she needed to establish balance in her life as part of her therapeutic regimen." [REDACTED] dropped out of treatment after seven months "without explanation."

In January of 1999, [REDACTED] reappeared and asked to re-initiate therapy (or, in Dr. Jesse's words, "begged to be allowed to resume individual and group therapy"). The informed consent was reviewed and the same structure of treatment re-initiated. During the next months, [REDACTED] was actively suicidal and was stockpiling medication, and had frequent blow-ups with others. Dr. Jesse diagnosed her as a Borderline Personality with antisocial, narcissistic, histrionic and passive-dependent features. She further stated that the patient has problems with candor, would excuse deception due to her "forgetfulness," has paranoid/delusional mentation regarding work superiors, has particular difficulties with female authorities, and shows signs of psychopathic and/or psychotic transference. Notes are brief and to the point in 1999, but become longer, involved, and very negatively toned in 2000. In addition to adequate notes, stamped by UBH on June 26, 2000, there are additional handwritten notes throughout the record, generally unstamped. These notes reflect Dr. Jesse's major concern with client deception, psychopathy, and paranoid transference. For example, on 3-20-00 Jesse writes:

While "lying" or deception in psychopathic transference of borderlines may take months (according to literature) to confront/resolve, it is deemed clinically to take precedence over all other content presented by client – (except threatening acts or danger to others) – such clients project lack of conscience onto therapist (As [REDACTED] will surely do!).

On 3-28-00 she writes

I introduced a very reduced fee for client's request for my additional time to do report versus send records to State Rehab – report is to abstract records – which will take at least a fully day. Yet, client's anticipation of exploitation in all relationships cannot be underestimated, despite her seeming complete acceptance of fee, yet over-reaction to her dad charging very reduced rent. I anticipate her later negative transference reaction – e.g. changing mind about state rehab report (after I've written it), complaining about report content/quality vis a vis rehab counselor, etc. – to even asking for a refund. (She has actually suggested as much, though not in manifest content). Still, [REDACTED] needs to honor contractual professional relationship versus manipulate, as she is prone to do

increasingly (getting me to sign her off work indefinitely, or extending time beyond that of Dr. Bari, sabotaging group contract, etc.)

The referenced "report" above was the precipitant of the present complaint. [REDACTED] claims that Dr. Jesse did not complete the report in a timely fashion, charged her an illegal fee for the report, would not give a refund, and behaved abusively toward her in the process.

Account of the Precipitating Event

February 2000: Dr. Jesse reports referring [REDACTED] several times to State Rehabilitation for assessment and support for career training. [REDACTED] initially showed greater interest in suggestions made by her father, such as computer training or school bus driving, and was "defiant" to Jesse (according to Jesse's records) re her suggestions. In February of 2000, [REDACTED] agreed to call State Rehab, and did so from Dr. Jesse's office. She followed through on the appointment on Feb 28, 2000, and was told that she would probably qualify for the program.

March 2000: On March 12, Dr. Jesse acknowledges receiving the request for medical records from Vocational Rehabilitation. Dr. Jesse believed that the form was invalid, for several reasons. First, and most importantly, Dr. Jesse states that [REDACTED] told her on March 28 (documented in her notes) that she did not give full informed consent ("I didn't even know what I was signing I was so confused.") Second, Dr. Jesse believed the form was invalid on its face, since the valid-until date on the form stated "for the life of the claim." Third, Dr. Jesse claims that the client wished her to provide an abstract of the records rather than the records themselves.

April 2000: A second request for records is received by Dr. Jesse on April 6, 2000. The completed report in the records is dated 4-15-00. A tab on the report states that it was sent to file on 4-17-00 to be held pending client release. A note to the side of the records, not part of the flow of the dated records, states that the client was advised on 4-25 that the report was complete, and that [REDACTED] wished Dr. Jesse to wait to send it until [REDACTED] paranoia was under control.

May 2000: Dr. Jesse's notes state that the client is "stressing" that she has to go to rehab now that the report is complete. Dr. Jesse's notes state that she tells [REDACTED] that she doesn't "have" to do anything if "she realistically is not able," that State Rehab "can wait until she's ready," and that she is not pushing State Rehab. Dr. Jesse includes a note from [REDACTED] thanking her for the help in the last 2.5 years. The note is dated 5-10-00.

June 13, 2000: Dr. Jesse receives a call from [REDACTED] stating that she plans to go to Isis because she is "having so much trouble coping." According to Jesse's notes,

had broken up with a boyfriend, reunited, and then had become enraged at another woman calling her boyfriend while she was there. cursed at the other woman on the phone, " but was so out of control and so disturbed by malicious behavior that he said their relationship was over." then did damage to his car, and he threatened to involve the law. This leads to ask Dr. Bari for an acute admission to Isis Crisis Center. Dr. Jesse tells reminded on the phone of the contract at this point, but says that they can take if "24 hours at a time," and that she may have to "move on" if there is a need for more intensive therapy.

June 23, 2000: Dr. Jesse returns a call to Isis. Kathryn, who answers, states that is being discharged tomorrow. then comes on the line. From Dr. Jesse's perspective, they have a pleasant conversation. From report, and that of the center, the conversation is very upsetting. Dr. Jesse sees as idealizing the center. told Jesse that she was thinking of seeing someone else at the Center after discharge, and Jesse reports stating that she was glad the issue of ongoing therapy was settled. Jesse's notes that that "was aware that she could not return per our brief discussion the day she went into Isis," although the earlier stated is not clearly noted in the record. states that Jesse was upset that the Center was referring clients elsewhere, rather than working with the existing psychologist, and told her that the Center did not "have the right to refer" Jesse reports that she was calm and reasonable in dealing with her client, while states that Jesse was crying, volatile, abusive, and disturbed

Later that same evening, Jesse called again, saying that she forgot to ask about the State Rehab report. Dr. Jesse states that Kathryn, who answered the phone, was rude, and told her didn't want anything to do with her. Jesse asked "What's going on. I just had a pleasant conversation with a few minutes ago." She states that Kathryn "said that she was unwilling to assist by calling to the phone." In her notes, states that she then told Kathryn that she knew nothing of Isis, had positive experiences with other centers, and was surprised that Isis did not pursue a phone consult with Jesse about her referral. When Kathryn stated that was bright and could make her own decisions, Dr. Jesse "tried to divert her rude statement by asking Kathryn if intellectual capacity had been measured through standard intelligence tests, since I'd tested her a couple of years ago, and would be interested in knowing her current IQ level for a pending report." When Kathryn stated that "did not need you to tell her what to do," Dr. Jesse found this to be a "brazen insensitive style for a professional in training." In response to Dr. Jesse's requests, Kathryn provided the names of her supervisor and the agency director. Dr. Jesse did not call either individual. Dr. Jesse states that Kathryn then told her that did not want her to send the report to anyone, and that she had chosen someone from the Center to complete any reports. Dr. Jesse asked who at the Center ruled not to consult with her about and Kathryn declined to answer. Dr. Jesse then stated that she hoped that they had given informed consent about the treatment

efficacy of breathing exercises, since [REDACTED] was suggestible. Dr. Jesse then told Kathryn that she had been rude, and she had not followed the ethical standards for psychologists regarding interactions with other professionals. Kathryn's account in general matches [REDACTED] account, stating that Jesse was upset and demanding, challenging of the authority of Isis to supercede the authority of the therapist, and not in full control. Even the account in Jesse's notes is more in keeping with the description of the event as constituting undue pressure by Dr. Jesse on the intern, lack of awareness of and respect for the intern's (and patient's) perspective, and subtle and not-so-subtle belittling of the intern's behavior and credentials.

Dr. Jesse then puts in a call to Dr. Bari, and two calls to [REDACTED] to ask for permission to speak to him. [REDACTED] refuses to speak to her, and Jesse is asked by Isis staff not to call again. Although it is not referenced in the record, Dr. Jesse apparently does speak to Dr. Bari, since she quotes him in other documents.

Dr. Jesse then writes to [REDACTED], asking about the report. She reiterates that Kathryn stated that [REDACTED] refused to talk to her but had called recently to say "how good it is" to hear Jesse's voice. She also states that therapy more frequent than once a week was unlikely to be available in the private sector, and would not be authorized by UBH.

June 26, 2000. UBH reviews the chart. Dr. Jesse updates the reviewer about her concerns and asks for input about what to do with the report. Jesse's notes and the "report" are stamped as present in the file. The handwritten notes on [REDACTED] psychopathy and psychotic transference, predicting dishonesty from [REDACTED] after the report is finished, either were not present at the time or were not stamped as present for other reasons.

August 2000: A third request for records was received by Dr. Jesse on August 5, 2000. Dr. Jesse calls Ms. Lamb and notes that [REDACTED] has rescinded informed consent, asking for a new and valid form.

September 2000. Dr. Jesse received a blank set of authorization forms from State Rehab, and calls Lamb about it, again asking for a "valid" form.

October, 2000. Dr. Jesse states that she "cheerfully" answered a call from [REDACTED] and that [REDACTED] was "very cold." [REDACTED] asked for her money back, stating that she had not done the report and hadn't kept records on her. Jesse takes long verbatim notes on the interaction. Dr. Jesse tells [REDACTED] that she had indeed taken notes on therapeutic issues, and that these notes had been seen by UBH in their client review on 6-26-00. Dr. Jesse invited [REDACTED] in to see the file. She also notes that she offered to send cash instead of a check, "realizing how she would experience a check as a major stressor, a deliberate inconvenience inflicted by a former-therapist-now- turned-persecutor." She could find no time to squeeze [REDACTED] in for 10 minutes until the next week. This is the last formal entry.

November 2000. Dr. Jesse spoke to Dr. Bari without authorization and told him of various statements by [REDACTED]. Bari had not known (in taking Jesse's call) that [REDACTED] had terminated with Dr. Jesse. She states in her letter to Lisa Flores of the Medical Board that she then "called [REDACTED] and told her of my surprise that she'd made false statements to me about Dr. Bari and the grievance. I said that I didn't understand her actions when I was more than willing to refund her money and/or send the report." The conversation was an unpleasant one. Dr. Jesse decided not to have [REDACTED] in the office, and called her again, stating that she would send a check. Dr. Jesse states that [REDACTED] spoke of a grievance and she asked "what grievance?" [REDACTED] then said she would withdraw it.

In late November, the Center for Consumer Health Education and Consumer Advocacy contacted Dr. Jesse, giving her 7 days to respond. She asked for a copy of the complaint and a copy of the rules and policies of the center, both of which she said were promised and not delivered. She thus never responded to the complaint. She spoke to the Center staff member without a release because he stated that he would mail the release to her. She has not received this release.

December 2000. Dr. Jesse receives the resolution letter from Mr. Knoll, who handles complaints from UBH. He recommends no contact between Jesse and [REDACTED], that a copy of the complaint be retained, and that Dr. Jesse receive psychological evaluation and/or counseling. Dr. Jesse then writes a letter to her attorney about Knoll's letter, stating that it contains "egregious violations" of her rights as a psychologist.

1. She believes that keeping the complaint on file is "provider abuse."
2. She objects to the statement that she should have no contact with [REDACTED] since "I have never damaged the property of others, nor have I accused, yelled, insulted or berated this client who has a history of delusions, paranoia and psychotic episodes."
3. It is "grossly inappropriate" for Mr. Knoll to advise her to have counseling or an evaluation when he has never met her.

Evaluation of professional issues

Issue 1. Failure to complete a time-sensitive report

The issue of the report is a very complicated one. First, the need for an abstracted report instead of simple xeroxing of records is unclear. The report itself is extremely negative and pessimistic, and therefore unlikely to have given the Vocational Rehabilitation group a better understanding of the client's strengths.

Dr. Jesse claims that she did not send the materials because she did not see the authorization as valid. She appears to have received counsel in support of this assessment.

The "informed consent" here was informed consent to send records to VR. It is clear that the client did understand that this was the request, although she may not have read the document. Sending the materials did not obligate [REDACTED] to attend Vocational Rehabilitation, so the whole issue of holding the report until [REDACTED] stabilized seems odd. This aside, Dr. Jesse had two more acceptable options. If the report were indeed ready, Dr. Jesse could easily have reassured [REDACTED] that the report needed to be sent, since she signed the request, but that VR could not force her to receive services before she was ready. The "down side" of sending the records is unclear to me from any of the responses by Dr. Jesse. If, for reasons of her own, [REDACTED] wanted to rescind the informed consent, Dr. Jesse could have facilitated a call by [REDACTED] to Vocational Rehabilitation, since it is these professionals who were present during the original signing. It is a significant problem for Dr. Jesse to second-guess the state of mind of a client at the time of signing a rather innocuous document, and invalidate the form, when she herself claims that the client is not a reliable historian regarding her interactions with others.

Unfortunately, there is also a significant possibility that some of the delay was a delay in the report-writing itself. Dr. Jesse herself claims that the request was made March 12 and the first draft of the report finished April 17. Internal evidence in the report, however, suggests the strong possibility of a later report date. For instance, information is included in the report that appear in Dr. Jesse's notes as disclosures by the patient in sessions in sessions after April 17. Additionally, on p. 13, [REDACTED] second course of therapy is reported as extending from 1-5-99 to 6-1-00. This is indeed when treatment ended, but it is unclear how this could appear in a report written on 4-17-00.

It appears that a request that would ordinarily be filled within a few days did take anywhere from 1.5 months to 3 months to complete. This is a departure from customary practice, and below the standard of care, but not in and of itself a major violation.

Issue 2. The inappropriate implementation of a fee

Dr. Jesse should not have charged the client for completion of a request for records. Nonetheless, it is entirely possible that a client with this background and history might have agreed to the abstracting (perhaps hoping for a more positive and helpful report) and that she might have agreed to the fee cited (which is not excessive). Further, it is believable that Dr. Jesse did not know that she was not entitled to charge the patient for this service. She did not resist education on the issue, and promises not to repeat her mistake. She appears

honestly remorseful on the tape. I consider this mistake to be too minor to constitute a true deviation from standard of care, and would expect that the education already received from the Board would resolve any further problems in this area.

Issue 3. The failure to respond to a refund request

Dr. Jesse did respond to the refund request. The delay in time is quite small. Since she was unaware of the issue of the appropriateness of her charging at all, it is understandable that she had some initial minor resistance to the refund request. Although I find it odd that she needed to consult an attorney re sending a check to a client through the mail, this too is within the standard. Leaving messages for a very disturbed client, however, about the need to contact an attorney, is clinically inadvisable, and is relevant to the intimidation issue that will be dealt with below. Dealing only with the response time issue, Dr. Jesse's actions were within the standard of care.

Issue 4 Requesting the client to attend a session to receive a valid refund

As stated above, Dr. Jesse apparently received the request on 10-31 and responded sometime in November. There appears to have been no great delay in the refund. The request to attend a "session" does not appear to be an attempt at financial exploitation, but rather an extreme consciousness of litigation and focus on self-protection (which pervades the record). Dr. Jesse appeared to wish the client to see that the records existed (since the client was accusing her of not having taken notes). The client expressed no immediate wish or need to correct her own mistaken impressions re Dr. Jesse's record-keeping. However, Dr. Jesse could legitimately feel that it would be a positive experience for the client to see that her paranoia was not justified. While overzealous, the action of asking the client to come in to receive the refund is not a violation of the standard of care.

Issue 5. Intimidation, bullying and threatening [REDACTED] including references to Jesse's attorney

Issues 5-7 are more concerning to me. Dr. Jesse did not appear to be consciously "bullying" [REDACTED], and she clearly resents the implication that any "bullying" occurred. Nonetheless, Dr. Jesse does not appear to give [REDACTED] perspective any validity, repeating that she is a severely disturbed individual (which appears to be true). Among Dr. Jesse's actions that might be perceived as bullying or intimidating, all reasonably well documented, are:

- (a) References to having an attorney review the advisability of sending [REDACTED] a refund
- (b) Repeatedly calling the crisis house

- (c) Pressuring the intern to disregard [REDACTED] wishes and call her to the phone, and becoming angry and belittling when the intern would not do so.
- (d) Writing letters to [REDACTED] after termination, that contained challenges to [REDACTED] perceptions (rather than simple business matters that might have been acceptable)
- (e) Calling [REDACTED] psychiatrist, without her permission, after termination, and relaying negative information gained from this psychiatrist to [REDACTED] (see confidentiality, below)

Each of the actions are minor violations in isolation, although they do seem to me to be clearly below the standard of care (as a pattern in toto). The more concerning issue, however, is that Dr. Jesse appears completely unaware of the potential impact of her behaviors, even after the fact and in response to rather pointed questioning by investigators. Perhaps Dr. Jesse's litigation-consciousness has led her to be unusually defensive with her patients. However, one would still expect the professional to be able to say, "yes, given her pathology, it is certainly understandable that she viewed it as bullying, although that is not how I meant it. Perhaps a better response from me as a professional would have been x." Instead, Dr. Jesse repeatedly states that her perspective, as a professional, should be privileged over that of a mentally ill patient ([REDACTED]), a nonlicensed intern (Kathryn), or a dishonest bureaucrat (interviewers from the Consumer Center for Health Education and Advocacy) and that she was not and is not in error. This lack of awareness on Dr. Jesse's part renders the violations more worrisome.

Issue 6. Respect for client termination

It is very clear that [REDACTED] decision not to speak with Dr. Jesse at the crisis house should have been respected. The dramatic nature of the rejection of her therapist does speak to the patient's pathology, but the professional response remains the calm acceptance of the patient's temporary or permanent need for distance. Business could have been conducted by letter, without defensive reiteration of the therapist's viewpoint (e.g., references to the patient's previous praise of Dr. Jesse). It would have been more professional and more effective (in producing possible client re-evaluation of her stance on further treatment) to make an open-ended statement of sorrow for any misunderstanding and availability for further meeting with the therapist when the patient feels the need. As is true in a number of other minor violations, this issue appears to arise due to the therapist placing defensive needs and impulsive wishes for self-protection above client interest. It is a violation of standard of care not to honor a patient's wish for no contact in as full a manner as possible given other ethical duties.

Issue 7 Confidentiality

It is apparent that Dr. Jesse called Dr. Bari after the client had terminated their treatment relationship, and that she shared confidential client information. Dr. Jesse knew it was inappropriate to speak to Dr. Bari at the time, and called [REDACTED] in the crisis house to ask for permission. When she did not receive permission, she nonetheless called Dr. Bari and repeated information that might reasonably have undermined the treatment relationship between Dr. Bari and the patient. She then called the patient, although the relationship had then been terminated, and told the patient that Dr. Bari had contradicted her account of various conversations. This too might have undermined the relationship between Bari and the patient. This is a clear violation of confidentiality, and below the standard of care. This is one of the many instances in the record in which Dr. Jesse appears to be driven by motivations other than patient best interest. To me, the pattern of rigid over-responsiveness to legality in some instances (e.g., the questioning of the consent of a patient to forward a record) and leniency in others (talking to the Consumer Center without a consent, talking to Bari without consent) is problematic, and belies an explanation based entirely on over-cautious responding.

Summary

1. The record reflects a pattern of violations in standard of care, each fairly minor (with the exception of the violation of confidentiality), but concerning in their number and seeming consistency.
2. The record, together with Dr. Jesse's taped interview, raises the question as to whether Dr. Jesse is able to understand the client perspective adequately. This is particularly important in the case of seriously ill patients. Further, it is unwise to take on such a patient with an informed consent that threatens termination if temporary hospitalization is necessary, since bipolar illness and severe borderline pathology (both diagnoses given to [REDACTED]) often require such intervention. If Dr. Jesse continues to see such seriously ill clients in outpatient therapy, peer supervision would be a very helpful addition to her practice.
3. It is impossible to make an evaluation of the likely results of a psychological evaluation from a written record. However, there are several issues here that imply that an evaluation would be helpful. These signs are:
 - a. Unprofessional behavior that appears impulsive and driven by motives other than patient need (e.g., calling and asking for permission to call Dr. Bari, and when permission is not immediately forthcoming, calling Dr. Bari without authorization; discussing with Dr. Bari her concerns for herself, rather than the patient, and calling the patient to then accuse her of misrepresentation)
 - b. Escalation of unprofessional interactions with others (e.g., the unpleasant exchange with "Kathryn")
 - c. Allowing countertransference worry or concern to impede recognition of likely client reactions to therapist actions (e.g., that

repeated phone calls and letters might upset a recently hospitalized client attempting to move into a new therapeutic relationship)

- d. Possible difficulty in containing emotional upset (e.g., the 5 calls to the UBH advocate on Thanksgiving; multiple calls to the patient in the crisis house)

I hope that this information is helpful in the Board's deliberations on this case. I am available for any further explanation of my thinking that might be helpful in this case.

Constance Dalenberg, PhD

Constance J. Dalenberg, Ph.D.



BOARD OF PSYCHOLOGY
1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95826-3200
(916) 263-2699
www.dca.ca.gov/psych



CERTIFICATION OF NON-RELATIONSHIP

Date: 1/19/02

I, Constance Dalenbury, hereby certify that I do not now, nor have I ever, had any type of business, professional, personal or other relationship with the subject named below.

Subject Name: Rosalie Jesse

License or Registration Number: PSY11952

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed: C Dalenbury

DECLARATION OF SERVICE BY EXPRESS MAIL

In the Matter of the Petition For Order
To Compel Psychological Examination:

Rosalie C. Jesse, Ph.D.

No. : Y-7

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

PETITION FOR ORDER TO COMPEL PSYCHOLOGICAL
EXAMINATION

by express mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

TRACKING NO.

Rosalie C. Jesse, Ph.D.
11155 Toyon Hills Drive
Lakeside, CA 92040

1Z F73 974 21 1000 005 3

Rosalie C. Jesse, Ph.D.
535 Broadway, Ste. 205
El Cajon, CA 92021

1Z F73 974 21 1000 006 2

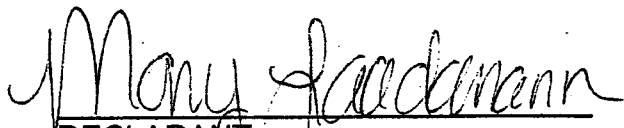
Michael P. Sipe
Deputy Attorney General
110 West A St., Ste. 1100
San Diego, CA 85266

1Z F73 974 21 1000 007 1

Each said envelope was then on, July 19, 2002, sealed and deposited with United Parcel Service at Sacramento, California, the county in which I am employed, as express mail, with the postage thereon fully prepaid.

Executed on, July 19, 2002, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Mary Laackmann
Enforcement Analyst

Exhibit B
Postal Return Documents

Memorandum

To: Michael Sipe
Deputy Attorney General
San Diego

Date: September 19, 2002

From: Board of Psychology – Mary Laackmann, *M. Laackmann*
Enforcement Analyst, ATSS 435-2691 or (916) 263-2691

Subject: Rosalie C. Jesse, Ph.D.; Y-7

Enclosed is the original:

- () ACCUSATION
- () STATEMENT OF ISSUES
- () DECISION
- () CERTIFIED MAIL TAG
- () ACCUSATION AND PETITION TO REVOKE PROBATION
- () NOTICE OF DEFENSE
- (✓) ORIGINAL MAIL MATERIALS

Address of record:

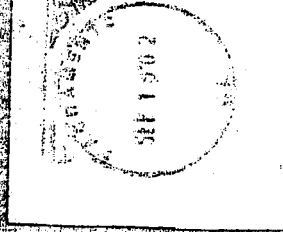
535 Broadway, Suite 205
El Cajon, CA 92021

OTHER COMMENTS:

Enclosed are the original materials mailed to Dr. Jesse that were returned by the United States Postal Service. In addition, I enclosed the original UPS packages sent when the petition was filed that were returned by UPS.



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SACRAMENTO, CA 95825-3200



Office of the Attorney General
110 WEST A STREET STE 1100
PO BOX 85266
SAN DIEGO CA 92186-5266
Attn: *Michael Sipe*



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Rosalie Jesse, Ph.D.
535 Broadway, Ste. 205
El Cajon, CA 92021

JESS535 920213003 1102 31 C8/27/02
RETURN TO SENDER
JESSIE' ROSALIE
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SHIPMENT FROM
UPS ACCOUNT NO. **F 7 3 9 7 4**
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916-263-2692

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CA 95825-3204

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REASON FOR RETURN:
COMPANY OR PERSON UNKNOWN, NOT DELIVERED
ORIGINAL RECEIVER:
KJESSE, R



CA 958 9-04



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TRACKING NUMBER

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7-22
12C
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Rosalie Lee, Ph.D.
11155 Teton Hills Drive
Lakeside, CA 92040

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rosalee Jesse, F.D.
11155 Coyon Hills Drive
Lakeside, CA 92046

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7001 2510 0001 2147 4166

PS Form 3811, August 2001

Domestic Return Receipt
Per to Compel OO 116048



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Lakeside, CA 92046

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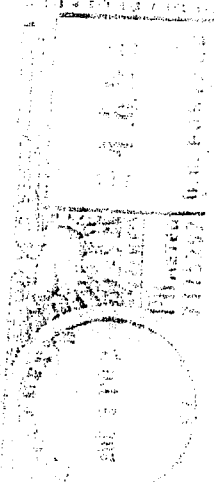
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Rosalie Jesse, Ph.D.
535 Broadway, Ste. 205
El Cajon, CA 92021

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JESSIE, ROSALIE
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UNABLE TO FORWARD
RETURN TO SENDER

PS Form 3811, August 2001

2. Article Number
(Transfer from service label)
7001 2510 0001 2147 4159

1. Article Addressed to:
Rosalie Jesse, Ph.D.
535 Broadway, Ste. 205
El Cajon, CA 92021

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1. Article Addressed to:
Attach this card to the back of the mailpiece, or on the front if space permits.
Print your name and address on the reverse so that we can return the card to you.
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

A. Signature *[Signature]*
B. Received by (Printed Name) *[Signature]*
C. Date of Delivery *9/5/02*
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail
☐ Express Mail
☐ Registered
☐ Insured Mail
4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

Domestic Return Receipt 102595-01/Rev. 6-99

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